

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6192

BILL NUMBER: HB 1024

NOTE PREPARED: Nov 13, 2002

BILL AMENDED:

SUBJECT: Recovery for False Imprisonment.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill entitles a plaintiff who prevails in an action for false imprisonment to recover the salary or other earnings that the plaintiff presumably would have earned during the period of imprisonment if the plaintiff had not been imprisoned, along with attorney's fees. It specifies factors for the court to consider in determining the appropriate amount recoverable with respect to the plaintiff's salary or other earnings during the period of imprisonment.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, plaintiffs who are successful in a tort claim for false imprisonment would be able to recover lost wages, but are not permitted to recover attorney's fees. As proposed, these plaintiffs would automatically be entitled to recover attorney's fees and damages in the form of lost wages during the period of wrongful imprisonment. The cost to the state depends upon attorney's fees awarded and lost wages the plaintiff would have earned. The Office of the Attorney General defends state entities in legal actions, and more legal time will be required if filings for this particular action increase.

Currently, actions for false imprisonment are rarely brought against the state. False imprisonment actions in which the plaintiff prevails are even more unusual. Unless the number of successful false imprisonment actions significantly increases, and the recovery amount for attorneys fees and lost wages is large, the fiscal impact to the state should be minimal.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*, above. Counties and

municipalities generally have liability insurance in the event of a successful tort claim against the entity.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Trial courts.

Information Sources:

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